

**Probation Services Task Force
Roundtable Discussion Notes
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Approximate No. of Participants: 28

Questions on practice/legal authority for differences relating to appointment.
WIC 795 (not sure if this is correct ???) – correct answer is WIC 270

Judge

Probation Department-functions as eyes and ears of court

- Gets information about charge and appropriate consequences (sentence, etc.)
- Ensures that defendant/youth complies with orders and notifies court if not complying
- Court reports provide necessary information
- Assist court in carrying out orders of court and notifying if defendant is not complying.
- Probation and Social Services-regarding juveniles, probation's job is to develop juvenile delinquency prevention programs; make appropriate referrals; should work collaboratively

Court Executive

1. Arming/DPO Retention

- Surprised about arming issues/ret. Issues
- Not sure why we're looking at them.
- Why w/in TF purview???
- Knows there is a desperate view within probation community about arming

2. Solano County BOS- one that sought legislation to change appointment authority due to relationship

- CPO w/ BOS; resolved through joint evaluation of CPO by CAO and panel of judges
- Probation (function is related to court; funded by county)

3. Washington state may be model where probation is unit/organization department under court.

Court Executive

1. Budget cuts in early 90s led probation to cut misdemeanor programs
2. Collection/compliance unit created under court, contract with probation services

Court Executive

1. BOS and Court work together (like in Solano)
 - Board retains formal appointment authority, but works jointly with court
 - Board evaluates CPO
 - Board sees budget as driving other costs (jails)/probation budget linked to other county services

Judge

1. Liability
 - Big concern is liability issue
 - Subjects Board/County to liability
2. Legitimate concern is that Courts haven't been good at overseeing and supervising CPO
 - Professionalism in Court Executive area has bled over into CPO
3. Appointment
 - BOS approached by judges to seek legislation to put CPO under CAO in that county; court adamantly opposed
 - Then an audit followed. Result was a Probation Oversight Committee (1994)
 - Still in place, meets periodically, evaluates CPO
4. CPO has to answer to court to get needed services

Court Executive

1. Appointment/Evaluation
 - Court appoints but BOS evaluates with judicial input
2. Probation is 2nd Class Citizen
 - Stuck between BOS and court without advocate
 - Dysfunctional – BOS sets price; serve at will of judges
 - neither county nor court has taken ownership (similar to Ct Exec before TCF)

Judge

1. BOS doesn't treat CPO as well as BOS appointed mgmt, therefore she needs support from sheriff etc.

2. Grant funding

- Grant funding from the state and federal government tells CPO how to spend \$\$
- CPO has many masters
- Money isn't balanced rationally, felons are banked but grant funded misd. Are supervised and receive services
- Grants from State; drives programs/policy, then BOS, judges, grantees (State/Feds), many masters.
- Large banked felony caseloads, not enough money

3. Specialty courts grew out of probation not supervising certain groups (drug courts)

- Circular system, maybe moving back

4. Need to look at original purpose of probation

Judge

- DV courts, judge is doing job of P.O.; need that role fulfilled to do field services, interventions, referral to family services, etc.

Judge

1. Education of BOS

- Educate BOS about work of Probation
- Probation gets less than DA and sheriff

2. Evaluated status of CPO (like that of DA)

3. Money

- Probation is under-funded for what it is asked to do
- Need adequate funding to solve problems with probation departments

3. Appointment/Authority

- CPO should be under court and held accountable
- If you look at specialized courts, very expensive – should be under court, not board
- Have Probation Committee with involvement of 2 supervisors.
- Role of Probation Committee – looks at operations, timeliness, etc.

Court Executive

1. CPO has brought in innovative grant programs.

2. County won't give money for administrative services, infrastructure. They need to do a reality check.

Assistant Court Executive

1. We ask probation to do so much, maybe it should be broken up

- Institutions: County
- Services (Court, pre and post): Court

Court Executive

1. Services

- Denigration of services since Prop 13
- Active supervision of misdemeanors are non-existent

2. Grants

- Grants – require to operate (since probation is at the bottom of the food chain)

Court Executive

1. Break up probation

- Custody – Should remain with county
- Services with court
- Should parallel with Sheriff and MOU for services.
- Cost-effective way of doing business
- Level of service may go up
- Look at jurisdictions where probation does juvenile

Judge

1. Issues don't change with size of county--Same issues

2. CPO doesn't have staff

Judge

1. Prop 36 will create problems. Create new cases/ We need to consider this

2. Restitution – another major issue; no follow up done.

Judge

1. Restitution

- The Court has taken over collection; has assumed responsibilities because probation doesn't have staff to do it (misdemeanor & felony)
- Restitution can be collected with fees, fines and forfeitures

Court Executive

1. Turnover

- I sense that turnover is on the rise in probation
- Turnover in probation v. sheriff and other law enforcement
- Probation is training ground for law enforcement

Judge

- Probation does guardianship investigation – seems misplaced

Court Executive

- Timelines of Probation Violation notification is inadequate

Court Executive**1. Recruitment**

- Probation is having trouble recruiting, especially group home counselors
- More education is required than for jails but pay is lower

Judge

- Probation Officers get paid far less than Deputy Sheriff, but more education is required

Judge**1. DPO Status**

- We need to elevate to other public safety agency
- We need to educate BOS

2. Supervision

- Lack of supervision will expose counties to liability due to banked caseloads

Court Executive**1. CPO Oversight**

- Gaps in supervision (due to cycles of Juvenile PJ) lead to lack of continuity
- Accountability will increase if there is greater continuity in leadership
- Better for court to supervise but need continuity and leadership

Court Executive**1. Status of Probation**

- Probation is stepchild of criminal justice system
- Not sure if situation would change under model where court oversaw probation

2. Perception of Probation

- Perception is that probation is less; lock 'em up!
- Public thinks getting probation is getting off
- Money would still not flow to probation. It's extremely difficult.

Judge**1. CPO Oversight**

- Functions of probation sometimes not consistent with neutrality of court – need to consider!
- Can't be an "arm" of court for that reason

Judge

1. Funding

- In 7 counties where BOS appoints, do they have greater funding?
- This would argue for having BOS appoint CPO

Court Executive

- If probation services were realigned, how would the money be handled? MOE, dealing with revenue source? Similar to TCF

Court Executive

1. BOS Appointment

- Counties may be rewarded (like facilities) if they gave short shift to services.

2. Local system creates disparity from county to county in services and \$\$

Court Executive

1. Services

- Intervention works, especially with juveniles
- Creative in obtaining grant funding; successful in diverting lots of cases away from courts
- Want to preserve this under any model

Judge

1. Services

- Juvenile services – some good programs (e.g. Home Supervision) due to overcrowding in Juvenile Hall
- Drug Court (Adult/Juv) is successful. Probation has been innovative in the area of Domestic Violence

2. Funding

- Adult not as well funded as juvenile although both are underfunded

3. Banked Cases

- 8-9,000 banked caseload; 1:900 ratio – those are scary numbers!
- Many banked probationers are felons who need to be supervised